

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHNNY W. EWELL,
Plaintiff,

v.

CIVIL ACTION NO. 18-CV-4872

GEORGE W. HILL
CORRECTION FACILITY, *et al.*,
Defendants.

FILED

JAN 03 2019

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 31st day of December, 2018, upon consideration of *pro se* Plaintiff Johnny W. Ewell's Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), his Prisoner Trust Fund Account Statement (ECF No. 5), and his Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915(b).
2. Ewell, #18007631, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Ewell, an initial partial filing fee of \$10.67 is assessed. The appropriate official at the George W. Hill Correctional Facility or at any other prison at which Ewell may be incarcerated is directed to deduct \$10.07 from Ewell's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-4872. After the initial partial filing fee is collected and until the full filing fee is paid, the appropriate official at the George W. Hill Correctional Facility or at any other prison at which Ewell may be incarcerated, shall deduct from Ewell's account, each time that Ewell's

inmate trust fund account exceeds \$10, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 18-4872.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the George W. Hill Correctional Facility.

4. The Complaint is **DEEMED** filed.

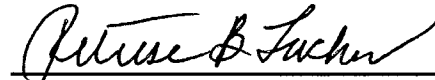
5. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

6. Ewell is given leave to file an amended complaint within thirty (30) days of the date of this Order in the event he can state a plausible claim against an appropriate defendant or defendants. If Ewell files an amended complaint, he must identify all of the defendants in the caption of the amended complaint. The amended complaint must also provide as much identifying information for the defendants as possible. Ewell may refer to a defendant by last name only if that is the only identifying information possessed. If Ewell wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The amended complaint must also describe how each defendant was responsible for violating Ewell's rights, and should not rely on or refer back to the initial Complaint to state a claim. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED**.

7. The Clerk of Court is **DIRECTED** to send Ewell a blank form complaint to be used by a prisoner filing a civil rights action bearing the civil action number for this case. Ewell may use this form to prepare his amended complaint.

8. If Ewell fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Petrrese B. Tucker", written over a horizontal line.

PETRESE B. TUCKER, J.